

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1996

BEFORE

THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD

WRIT PETITION NO.3997/1996

BETWEEN :

The Land Development Officer,
Unit No.2, CADA, UKP,
Narayanapura, Tq: Shahapur,
District: Gulbarga.

Present Address:

1. Executive Engineer,
KBJN, Rehabilitation Divn, No.12
Ilkal, Dist: Bijapur.
2. Assistant Executive Engineer,
KBJN, Rehabilitation Sub Dvn No.3
Bilagi, Dist: Bijapur. ..PETITIONERS.

(By K.H.Jagadeesh, HCGA)

AND:

1. Hanumappa s/o.Yamanappa,
Age.Major, Occ:nil,
R/o.Allur, Post:Haladur,
Tq: Badami,
Dist: Bijapur.,
2. The Presiding Officer,
Labour Court, Gulbarga. ..RESPONDENTS

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This Writ Petition is filed praying to quash Annex.A
dt.21.11.1994 by R2 to grant stay of all further
proceedings pursuant to Annex.A.

This petition coming on for orders this day,
the Court made the following order:-

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-: ORDER :-

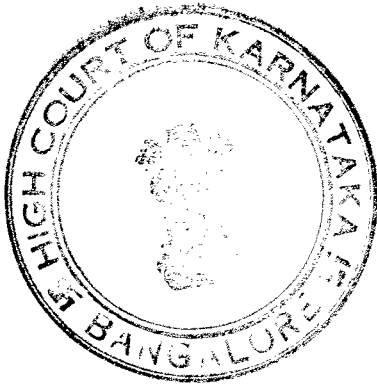
The petitioner-employer, in this writ petition under Articles 226 & 227 of the Constitution, seeks quashing of the award of the Labour Court, Gulbarga, dated 21.11.1994 at Annexure-'A' by which the 1st respondent-workman is directed to be reinstated in service, but, with only 50% of back wages, that too, from the date of the claim petition.

2. The 1st respondent raised an industrial dispute contending that, he had continuously worked under the petitioners from 13.3.1984 to 25.5.1985 on daily wages and that his services came to be terminated without compliance with Section 25-F of the Industrial Disputes Act, 1947 ('Act' for short). On the basis of the evidence, both oral and documentary, and particularly referring to Ex.W-1, Service Certificate issued by the employer himself, the Labour Court has found on facts that the 1st respondent has put in continuous service within the meaning of Section 25-B of the Act and that Section 25-F of the Act has not been complied with. The finding on facts reached by the Labour Court cannot

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be called perverse. The Labour Court has, therefore, rightly directed reinstatement of the 1st respondent and it has awarded only 50% of back wages, that too, from the date of claim petition.

3. There is, therefore, no infirmity in the impugned award. Writ Petition is dismissed. The 1st respondent is directed to be reinstated in service within two months and back wages to be paid in terms of the award within four months from the date a certified copy of this order is made available to the 2nd petitioner.



Sd/-
JUDGE